

**Present : Hemanta Sinha**  
**Additional Sessions Judge**  
**1<sup>st</sup> Court, Tamruk**  
TR(409) 02 of 2025  
Reg no. 02 of 25

**Order no. 03 dt. 25-03-2025.**

Today is fixed for appearance, hearing of the bail petition and production of CD.

The accused Samir Mistri is produced through VC.

Ld. PP in charge and the Ld. Advocate for the accused person are present by filing hazira.

Now the petition for bail filed on 19-03-2025 is taken up for hearing.

Heard both sides. Perused the petition for bail, CD as well as materials on record.

Ld. Advocate for the accused person prays for bail of the accused person on any condition submitting that CS has already been submitted and that the accused is in jail custody since 08-1-2025. Ld. Advocate in drawing attention of the Court with regard to the acknowledgment slips dt. 13-05-2024 and 30-09-2024 amounting to Rs. 58,000/- and Rs. 25,000/ respectively submits that the accused person prior to the initiation of this case has deposited Rs. 58,000/- on 13-05-2024 and Rs. 25,000/- on 30-09-2024 to postal department in connection with misappropriation of money. Ld. Advocate raises question about initiation of the instant case where the department has already received Rs. 83,000/- from the accused person in connection with misappropriation of money.

Ld. Advocate in support of his submission relies on a decision reported in 1991 CRILJ, 1816.

Ld. PP in charge raises strong objection against the prayer for bail upon relying the materials in the CD.

On careful perusal it appears that CS has already been submitted against the accused person u/s 406/409/420 of IPC. It also appears from the CD that the accused person was the Postal Assistant of Nadakumar Sub PO who during that period from 20-01-2022 to 14-05-2024 had withdrawn Rs. 6,100/- from the savings account of one account holder namely Ananda Mondal, Rs. 15,000/- from another savings account of Smt. Sudeshna Latua and Sri Indrajit Latua and Rs. 5,500/- from the savings account of Smt. Kalyani Samanta by forging their signatures and accordingly misappropriated the said money.

The acknowledgment receipts as submitted by the accused person show that he has voluntarily deposited Rs. 58,000/- on 13-05-2024 and Rs. 25,000/- on 30-09-2024 in connection with misappropriation of the money but it cannot be transpired from the money receipt that those deposited money is related to the instant case. Even there is no whispering in the charge sheet about the deposit of the money in connection with the instant case.

Having heard the submission of both sides, considering the materials in CD and the nature of the offence I am not inclined to allow the prayer for bail of the accused.

Hence the prayer for bail, stands rejected.

The bail petition is thus disposed off.

To **05-04-2025** for consideration of charge and physical production of the accused.

Let a copy of this order be sent to the Superintendent of Tamruk Correctional Home for information and compliance.

ASJ, 1<sup>st</sup> Court  
Tamruk Purba Medinipur